

REMARKS

Claims 1-24 are pending in the present application. Applicants note with appreciation the indication allowable subject matter with respect to claims 4-7 and 23. With entry of this Amendment, Applicants amend claims 1, 4, 7, 9, 10, 13-16, 19, 20, 24, cancels claims 6 and 21-23 and adds new claim 25. Reexamination and reconsideration of the claim are respectfully requested.

Applicants have amended claim 1 to incorporate the recitation of claim 6, which has been canceled. Accordingly, Applicants respectfully submit that claim 1 and its dependent claims 2, 3, 7 and 8 are in condition for allowance.

Applicants have amended independent claims 9, 13, 15 and 19 to incorporate the recitation of claim 6, and respectfully submit that these claims and any respective dependent claims are in condition for allowance.

Applicants have amended claim 4 by placing the claim in independent form. Applicants respectfully submit that claim 4 and its dependent claim 5 are in condition for allowance.

The Examiner rejected claims 10, 11, 14, 16, 18, 20, 22 and 24 under 35 U.S.C. § 102(e) as being anticipated by Mishima et al. (US 6,326,539). The Examiner notes at page 4 of the Office Action that Mishima does not disclose the use of “a plurality of tones signal tables [that] are prepared in advance for individual ones of different floor surface materials” are recited in claim 23. Applicants have amended independent claims 10, 16 and 20 to incorporate the recitations of claims 22 and 23 except the phrase “floor surface” has been changed to “contact surface”. Applicants respectfully submit that amended claims 10, 16 and 20 and any respective dependent claims are not anticipated by or obvious in view of Mishima.

Claim 14 has been amended to recite a tone signal generation apparatus in a shape of a stick. Claim 24 has been amended to recite a stick-shaped operation terminal. Both claims recite detecting the displacement of a portion of the stick-shaped apparatus or terminal to generate a

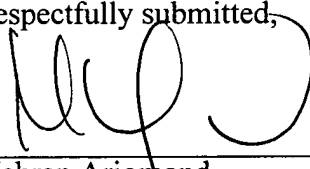
tone signal. In this manner, a tone signal can be generated by simply hitting the stick-shaped apparatus or terminal against any object such as a wall.

In contrast, Mishima discloses a piezoelectric sensor provided on a drum pad to be struck by a stick as illustrated in Fig. 16. The detection of the displacement to generate a tone signal is on the *drum pad*. No displacement is detected on the stick-shaped apparatus or terminal as recited in claims 14 and 24. Because Mishima places the sensor in the drum pad, Mishima requires a stick and a drum pad to generate a tone signal while the present invention can generate a tone signal simply by striking a stick-shaped apparatus or terminal against any object. Accordingly, Applicants respectfully submit that claims 14, 24 and 25 which depends on claim 24 are not anticipated by or obvious in view of Mishima.

In view of the foregoing, Applicants respectfully submit that claims 1-5, 7-11, 13-20, 24 and 25 are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032027920.

Dated: August 19, 2003

Respectfully submitted,

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